

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Patent Application of:  
Hanes et al.

Application No.: 10/587,512

Confirmation No.: 3582

Filed: November 8, 2007

Art Unit: 1632

For: DRUGS AND GENE CARRIER PARTICLES  
THAT RAPIDLY MOVE THROUGH  
MUCOUS BARRIERS

---

Examiner: M. K. Sgagias

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**REPLY TO RESTRICTION REQUIREMENT**

In reply to the outstanding Restriction Requirement, mailed July 21, 2009, in connection with the above application, Applicants hereby elect Group I, claims 1-2, 5-10, 12-13, and 17-22, for continued examination. Group I is drawn to a polymeric particle comprising a pharmaceutically acceptable polymer core, a bioactive agent, and a surface-altering agent disposed on the surface of the core that renders the surface of the polymeric particle mucus resistant and/or enhances the average rate at which the particles or a fraction of the particles moves in mucus, wherein the bioactive agent is encapsulated in the polymer core. Applicants elect Group I with traverse, because Applicants submit that the simultaneous examination of Group I with at least Groups II and III (respectively drawn to the polymeric particle...wherein the bioactive agent is disposed on the surface of the polymeric particle or is covalently coupled to the polymer core) would present no significant additional burden for the Examiner.

The Examiner has required restriction between product and process of use claims. They are thus subject to rejoinder. Upon indication that the elected Group I product claims are in condition

for allowance, Applicants will request rejoinder of the non-elected process claims of Groups VI, VII, and VIII commensurate in scope with the allowable product claims. MPEP 821.04.

This election is made expressly without waiver of Applicants' right to continue to prosecute and to obtain claims to the non-elected and/or canceled subject matter either in this application or in other applications claiming priority herefrom.

### **CONCLUSION**

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Applicants believe no fee is due with this response, aside from the fee associated with the Petition for Extension of Time. However, if an additional fee is due, please charge our Deposit Account No. 18-1945, under Order No. JHUC-P01-021 from which the undersigned is authorized to draw.

Dated: December 15, 2009

Respectfully submitted,

By           /Joanne M. Holland/          

Joanne M. Holland, Ph.D.

Registration No.: 61,315

ROPES & GRAY LLP

One International Place

Boston, Massachusetts 02110

(617) 951-7000

(617) 951-7050 (Fax)

Attorneys/Agents For Applicant